

UNITED STATES DISTRICT COURT

BILLINGS DIVISION, DISTRICT OF MONTANA

FILED
BILLINGS, MT.
2003 APR 21 AM 9 47

UNITED STATES OF AMERICA

V.

MARION HUNGERFORD

PATRICK E. DUFFY, CLERK

CRIMINAL COMPLAINT

18 U.S.C. § 1951 and 2

(Penalty: Not more than 20 years
imprisonment, \$250,000 fine)

CASE NUMBER: MCR-03-36-BLG RWA

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about in May 6, 2002, at Billings, in the State and District of Montana the defendant, MARION HUNGERFORD, did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$2,364.00 from the Jackpot Casino, 2030 Main Street, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property, or did aid and abet in the same, in that Dana Canfield forcibly took the money at gunpoint from the Jackpot Casino and MARION HUNGERFORD aided and abetting him in doing so,

in violation of Title 18 United States Code, Section(s) 1951 and 2. I further state that I am a(n) Special Agent with the Bureau of Alcohol, Tobacco and Firearms and that this complaint is based on the following facts:

See attached AFFIDAVIT

(x) Continued on the attached sheet and made a part hereof

Date

Name and Title of Judicial Officer

Signature of Complainant

City and State

Signature of Judicial Officer

EXHIBIT A

1. On May 6, 2002, at approximately 1:46 AM, a man wearing a ski mask robbed the Jackpot Casino, 2030 Main St., Billings, MT, at gunpoint. Taken during the robbery was US Currency totaling \$2364.00 and various personal checks. This incident was captured by video surveillance, which was retained by the Billings Police Department as part of their investigation.
2. The Jackpot Casino receives goods and services from Sysco, Inc. whose corporate offices are located in Houston, TX. Sysco, Inc. routinely receives Interstate shipments of food products for redistribution in the local area. Additionally, the Billings, MT office of Sysco, Inc., services customers in Wyoming, Idaho, North Dakota and South Dakota.
3. Prior to the robbery, employees indicate that a woman, later identified as Marion HUNGERFORD, entered the Casino and began playing video gambling machines. These employees stated that they did not recognize HUNGERFORD as a 'regular' customer. Additionally, both employees stated that they thought HUNGERFORD exhibited nervous behavior. At some point prior to the robbery, HUNGERFORD placed a telephone call using a pay phone located just inside the entrance. Telephone toll records indicate that two telephone calls were made minutes prior to the robbery to Marion HUNGERFORD's cell phone (406) 661-6389.
4. As exhibited by video surveillance, at approximately 1:45 AM, HUNGERFORD cashed out a video gambling machine ticket for .25 cents and left the Casino. Immediately following her departure the masked man entered the Casino. When questioned about her involvement in the robbery of the Jackpot Casino, HUNGERFORD admitted that she was in the Jackpot Casino that night and that she had made phone calls to her cell phone from a pay phone. HUNGERFORD denied any involvement in the robbery of the Casino.
5. On July 27th, 2002, Butte-Silverbow County Sheriff's office arrested Dana CANFIELD in Butte following a robbery utilizing a pattern similar to the one in Billings on May 6th. CANFIELD was arrested at a Butte area motel with HUNGERFORD. Butte Detectives recovered a mask, firearm and clothing that was similar to that used by the armed robber in Billings. Based on this and previously gathered information, Detectives from the Billings Police Department requested and received a Search Warrant for the residence of Dana CANFIELD and Marion HUNGERFORD located at 5543 Helfrick Road, Billings, MT.
6. During the ensuing search, Detectives recovered (6) personal checks taken from the Jackpot Casino on May 6th. These checks were made out to the Jackpot Casino from various customers and dated May 5th and 6th. These checks were located inside a flannel shirt belonging to CANFIELD. Also identified and photographed at this residence were approximately (200) medicine pill bottles prescribed to HUNGERFORD.